

NOTE: This part should follow a general discussion.

Part B - Storage Expenses

Sec. 311. This section would extend to all agencies authority for payment of storage expenses similar to that now available to those agencies authorized to exercise certain authorities of the Foreign Service Act.

Subsection (a) amends the language of sections 911(h) and (5) of the Foreign Service Act to include certain provisions at one time carried in the Department of State's Appropriation Acts and now appearing in Section 2(b) of PL 84-885. The "emergency" limitation of section 911(h) of the Foreign Service Act is eliminated, as it has been superseded for all practical purposes by the above referenced section of PL 84-885. The present language is designed to provide authority to pay storage and related costs in those instances (1) when an employee either cannot take or cannot use his effects at the post of assignment, or (2) when it would be in the public interest or more economical, as for example in lieu of quarters allowance payments while an employee is away from his post under orders, or in lieu of payment of transportation costs from one location to another.

The language of the amendments to Sections (h) and (5) of the Foreign Service Act basically follows the existing statutory language. There are three minor exceptions, however, which are discussed below:

1) the phrase "pay the cost of packing and unpacking" has been added to provide a statutory base to the long established practice of considering such costs as incident to the authority to transport and store goods. The new language does not change existing practices;

2) for the first time specific statutory language is provided to limit the weight or volume of effects being stored or transported.

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This language "in no instance shall the weight or volume of the effects stored together with the weight or volume of the effects transported exceed the maximum limitations fixed by regulations, when not otherwise fixed by law" reflects the policy currently followed in the regulations of the Department of State. These regulations have been in existence for many years and appear in 1 FM III, Section 161.6;

3) authority is provided for the first time to permit the cost of packing and unpacking, transporting to and from a place of storage, and storing for a period not to exceed three months of the household effects of employees who are being separated from the Service. In the past employees have had to pay these costs themselves while awaiting the time when they could make a firm decision as to their permanent place of residence. It seems reasonable that the employee should have a brief time when their goods could be stored while they are making arrangements for permanent residence, after having served in the majority of cases many years abroad.

Title IV--Amendments to Annual and Sick Leave Act of 1951

Title IV relates generally to the accumulation of leave by, and the conditions for granting leave to, employees of the Government of the United States who are stationed outside of the several States of the United States and the District of Columbia.

Section 401 amends subsections (d), (e), and (f) of section 203 of the Annual and Sick Leave Act of 1951, as amended (5 U.S.C. 2062 (d), (e), and (f)).

The amendment made to such subsection (d) accomplishes two general purposes. First, that part of such subsection which precedes paragraph (1) thereof ~~(as in effect immediately before enactment of the bill)~~ is amended by deleting therefrom language which excludes from the coverage of such subsection (d) employees in the Foreign Service of the United States in the Department of State. The effect of such deletion is to bring such employees in the Foreign Service within the purview of such subsection (d) as amended by section 401 of the bill.

Since that part of such subsection (d) which precedes paragraph (1) thereof ^{forty-five} authorizes a maximum accumulation not to exceed ~~35~~/days in any year for certain categories of employees specified thereafter in such subsection, and since the amendment made by the bill to such part brings employees in the Foreign Service within the purview of such subsection, the maximum accumulation of not to exceed ^{forty-five} ~~35~~/days of annual leave will be applied to employees in the Foreign Service on the same basis as it is applied to employees in other departments and agencies under existing law.

Second, the existing paragraph (1) of such subsection (d) (making such subsection applicable to persons directly recruited or transferred from the United States by the Federal Government) is amended by paragraph (d) (1) of the

amendment made by section 401 of the bill so as to extend the coverage of such subsection (d) to persons directly recruited or transferred from the Commonwealth of Puerto Rico or the possessions of the United States for employment in overseas areas outside of the area of recruitment or the area from which transferred.

Similarly, the existing paragraph (2) of such subsection (d) is amended by paragraph (d) (2) of the amendment made by such section 401 so as to extend the coverage of such subsection to persons employed locally in overseas areas ~~and~~ (A) who were recruited originally from the Commonwealth of Puerto Rico or the possessions of the United States but outside such ^{overseas} ~~foreign~~ areas, (B) who have been in substantially continuous employment by other Federal agencies, ^{by} United States firms, interests, or organizations, ^{by} international organizations in which the Government of the United States participates, or ^{by} foreign governments, and (C) whose conditions of employment provide for their return transportation to the Commonwealth of Puerto Rico or the possessions of the United States, ~~as the case may be~~. The amendment to such paragraph (2) also extends the coverage of subsection (d) to persons employed locally in ^{overseas} ~~foreign~~ areas who (i) at the time of such employment were temporarily absent, for the purpose of travel or formal study, from their respective places of residence in the Commonwealth of Puerto Rico or the possessions of the United States and (ii) during such temporary absence have maintained residence in the Commonwealth of Puerto Rico or the possessions of the United States but outside of the ^{overseas} ~~foreign~~ areas of employment. Such paragraph (2) as presently in effect applies only with respect to persons employed locally in ^{overseas} ~~foreign~~ areas but who were originally recruited from the United States or who, at the time of such employment, were temporarily absent from the United States for the purpose of

travel or formal study and have maintained residence in the United States during such temporary absence.

Paragraph ^(d) (3) of the amendment made by ^{section 401 of} the bill to such subsection (d) (making the subsection applicable to persons who are not nonally residents ^{overseas} of a foreign area in which employed by the Government but who are discharged from military service to accept Government employment) amends paragraph (3) of such subsection by striking out "the military service" and inserting in lieu thereof "service in the Armed Forces".

The amendment made by section 401 of the bill to subsection ^e (g) of section 203 of the Annual and Sick Leave Act of 1951 continues the effect of such subsection (which is to preclude any reduction in the leave authorized by such Act for time actually and necessarily used in traveling to and from a post of duty and time actually and necessarily used in awaiting transportation) and extends the application of such provisions to persons recruited or transferred from the Commonwealth of Puerto Rico or the possessions of the United States for employment outside of the United States and outside of the area of recruitment or from which transferred. The amendment makes the provisions of such subsection (e) applicable to not more than one period of leave "in a prescribed tour of duty at a post outside the United States," in lieu of the existing provision of such subsection (e) which makes the subsection applicable with respect to not more than one period of leave "in any twenty-four months period." This revision is necessary for the reason that prescribed tours of duty in some cases, such as those involving assignments to posts at which the employees will be subjected to extraordinary hazards or dangerous health conditions, are for periods other than the twenty-four month period prescribed by existing law.

The amendment made by section 401 of the bill to subsection (f) of the Annual and Sick Leave Act^{of 1951} extends to all departments and agencies authority to grant leave of absence (generally known as "home leave") to officers and employees in such departments and agencies who have completed at least twenty-four months of continuous service outside of the United States. At present, this leave is authorized for the Foreign Service of the United States, the United States Information Agency, the International Cooperation Administration, certain agricultural attaches, and the Central Intelligence Agency.

Such leave of absence will be granted at a rate not to exceed one week for each four months of such service and represents leave which is separate and apart from the annual and sick leave otherwise provided for under the Annual and Sick Leave Act of 1951. This "home leave" is for use in the United States or (in appropriate cases) in the Commonwealth of Puerto Rico or the possessions of the United States. There is no limit on the maximum accumulation of such home leave for future use, but no such leave can be made the basis for any terminal leave or for any lump-sum payment for unused^a accumulated^b or accrued leave.

Section 402 (a) of the bill amends section 202 (b) (2) of the Annual and Sick Leave Act of 1951, as amended (5 U.S.C. 2061 ^b(~~h~~) (2)), by substituting the words "the United States" for the words "the several States and the District of Columbia." This is a conforming amendment, made necessary by the new definition which is provided by the amendment made by section 402 (c) of the bill in order to clarify the application of the Annual and Sick Leave Act of 1951 to employees occupying positions outside of the several States of the United States (including Alaska and, when admitted, Hawaii) and the District of Columbia.

Section 402 (b) of the bill is a technical amendment, similar in effect to the amendment made by section 402 (a), which is necessary in order to conform the provisions of section 203 (g) of the Annual and Sick Leave Act of 1951 (relating to the granting of leave to aliens employed by the Government outside of the United States) to the new definition provided by the amendment made by section 402 (c) of the bill.

Section 402 (c) of the bill amends section 202 of the Annual and Sick Leave Act of 1951, as amended (5 U.S.C. 2061), by adding at the end thereof a new subsection (d) which defines the term "United States" for use in such Act. The term "United States" is defined, for purposes of such Act, as meaning the several States of the United States of America and the District of Columbia. The term "United States", as so defined, replaces the words "the several States and the District of Columbia" used in the Annual and Sick Leave Act of 1951 as in effect immediately prior to the date of enactment of the bill. This definition is necessary to clarify the intention that provisions of such Act, heretofore applicable to employees assigned to duty within the forty-eight States existing prior to the admission of Alaska and Hawaii as States and in the District of Columbia, shall apply with equal force and effect to employees assigned to duty in Alaska and (upon admission as a State) in Hawaii. The definition also serves to clarify the application of those provisions of such Act which relate to employees assigned to duty at posts outside of the forty-eight States existing prior to the admission of Alaska and Hawaii as States and in the District of Columbia. Such provisions will apply, under the new definition, to employees assigned to duty at posts outside of the several States (including Alaska and, upon admission as a State, Hawaii) and the District of Columbia.

Section 403 provides that the amendments made by Title IV of the bill to the Annual and Sick Leave Act of 1951, as amended, shall take effect on the first day of the first pay period following the date of enactment of the bill.